

Ohio Veterinary Medical Licensing Board Newsletter

2015-16

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Professional Involvement & Compliance

By Tim Kolb, DVM

The regulatory world can at times seem daunting and confusing, both to the public at large and to those being regulated. This is certainly true in the ever changing world of veterinary regulations. Increasing concerns and attention to such diverse issues as animal welfare, food production and safety; the internet as a resource for medical information and consultations, as well as veterinary products and pharmaceuticals; the prescription drug epidemic plaguing our country, drug diversion, and many other issues bring a wide range of stakeholders to the regulatory debates. How does one stay informed and in compliance with the changing regulations? How does one make their opinions known and influence positive changes and sensible regulations and laws?

For the veterinary profession the two avenues I am most familiar with are the OVMLB and the OVMA. I have been honored for the past 6 years to serve on our licensing board (OVMLB) as well as the OVMA Board of Trustees. However, for the public at large as well as for many in the veterinary profession, there can be much confusion about

the roles of each entity.

The OVMLB licenses and regulates veterinarians and RVT's; it enforces the laws and rules governed by Chapter 4741 of the Ohio Revised Code (often called the Veterinary Practice Act). It is a state agency whose "mission is to insure that the citizens of Ohio are served by professional, trustworthy and competent veterinarians and veterinary technicians."

The OVMA is a non-profit organization which represents its member veterinarians and the interests of the profession. It is a resource of information on many issues; it sponsors the Midwest Veterinary Conference which is the largest state meeting in the USA. The OVMA monitors legislative issues and informs members regarding proposed legislation that impacts veterinarians; through its Political Action Committee and annual Legislative Day, members are encouraged to meet with their elected representatives and express their views on current issues affecting veterinarians and animal welfare.

The OVMLB holds monthly meetings that are open to the public. An OVMA liaison often attends the meetings to observe the proceedings and to

keep open the lines of communication between the Board and the OVMA. In recent years OVMA members had raised concerns about vaccination clinics, standards of care, and availability of medical records from those clinics; some veterinarians working for the vaccine clinics had asked the OVMLB for clarification of applicable rules as they wanted to ensure their compliance with the Practice Act. This led to the realization that our rules did not sufficiently address these concerns. Open dialogue between the OVMLB and the OVMA, including testimony at the Rules Hearing, led to a new rule, 4741-1-16.

Currently, a number of issues have arisen as the Pharmacy Board is dealing with compounding and drug diversion. Representatives from the Pharmacy Board attended the August OVMLB meeting for a substantive discussion. OVMA representatives have also met with the Pharmacy board rules committee which is working on their rules revisions. Stay tuned as this process continues. Reach out to your OVMA representatives. The OVMLB website is an excellent resource to stay informed about current regulations that may affect you.

Recent Board Action:

The Board set a goal of increasing the number of random compliance inspections through the most recent State budget bill. The Legislators and Governor Kasich granted the Board's request and therefore will be able to perform more compliance inspections throughout the year.

Please note that at the March 2015 Board meeting, the Board members voted to approve those veterinary facilities that have achieved AAHA accreditation as "deemed" acceptable and will be exempt from the compliance inspection review unless the board receives a written complaint against that facility.

Changes in the Veterinary Practice Act (Law and Rules)

- 1) The Board sought a change in the law regarding the process for how veterinary medical students apply to take the NAVLE. The legislative language was included in the Budget Bill and enacted in September, 2015. The student will no longer need to apply with OVMLB— only with NBVME. Since that \$50 fee will no longer be assessed to the student, all initial applications for licensure will have the same fee. (Reciprocity and initial licenses will pay \$425 in the even years and \$300 in the odd years). Not only does the change in the law remove a hurdle for the veterinary student, the student will receive their examination scores directly from NBVME much sooner than waiting for notification by the Board.
- 2) In another move to make seeking licensure in Ohio easier, the Board requested a change in the law to recognize the AAVSB Program for the Assessment of Veterinary Education Equivalence (PAVE) in addition to the AVMA ECVFG program already recognized in law. This addition to the law removes a barrier to practice by expanding the Board's ability to accept applicants for licensure that have successfully completed the PAVE. The revised law will require a change in Rule 4741-1-04 of the Ohio Administrative Code (OAC) to reflect the legislative change.
- 3) The Board was in need of the ability to automatically suspend a licensee who is considered, by clear and convincing evidence to be an immediate threat to the public if permitted to continue to practice. Prior to enactment of this revision to the law, the Board could not address veterinary licensees who have been accused and/or convicted of aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary.
- 4) The Board has implemented a goal of performing a compliance inspection of all veterinary facilities in the State of Ohio. The Board has been limited in the ability to perform the compliance inspections due to budgetary issues. However, the Ohio legislature granted the Board's request to permit the ability to inspect an additional 100 veterinary facilities in a fiscal year. In fiscal year 2015, the Board was able to perform random compliance inspections (not based on a complaint) on 50 veterinary facilities throughout Ohio. There are over 800 veterinary facilities in the State of Ohio. As noted in the Board update, AAHA accredited facilities are exempt from the random compliance inspections. The facility will receive a five (5) day notice as required by ORC 4741.26, <http://codes.ohio.gov/orc/4741.26> along with a copy of [Rule 4741-1-03 OAC](#) which details the physical areas of the facility that must be in compliance. The actual form that the investigator utilizes is on the Board's web site under the "compliance inspection" heading. It is important to notify the Board when a veterinary facility goes out of business or is sold to another practitioner. Additionally, there are guidelines on the Board's web site regarding the [Closure of a Veterinary Facility](#).
- 5) The Board has amended the Vaccination Clinic rule (4741-1-16 OAC) to incorporate [Rule 4741-1-21 OAC](#) as guidance for documentation and the keeping of medical records. The same standard applies to stationary, mobile and vaccination clinic settings. The amended rule has an anticipated effective date of March 1, 2016.

Who can do that?

Who can provide "cold laser therapy" (or fill in the blank with any procedure)? All veterinary practice must be supervised by a veterinarian. State law does not recognize any veterinary practitioner other than a licensed veterinarian or a registered veterinary technician (RVT). The Board has guidelines on the board's website for veterinarians regarding duties and the type of supervision required: <http://ovmlb.ohio.gov/pubs/permmissible%20activities%20list%20techs%20-%20aides.pdf> (Found under the "Guidelines" heading). It is also helpful to review the definition of the practice of veterinary medicine at [ORC 4741.01](#) which means the practice of any person who: (1) Diagnosis, prevents, or treats any disease, illness, pain, deformity, defect, injury or other physical, mental or dental condition of any animal; (2) Administers to or performs any medical or surgical technique on any animal that has any disease, illness, pain, deformity, defect, injury or other physical, mental or dental condition; (3) Prescribes, applies or dispenses any drug, medicine, biologic anesthetic or other therapeutic or diagnostic substance or applies any apparatus for any disease, illness... (4) Uses complementary, alternative and integrative therapies on animals; (5) Renders professional advice or recommendation by any means, including telephonic or other electronic communication with regard to any activity described in division (B)(1) to (4) of this section; (6) Represents the person's self, directly or indirectly publicly or privately, as having the ability and willingness to perform an act described in divisions (B)(1) to (4) of this section; (7) Uses any words, letters, abbreviations or titles in such connection and under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine. [ORC 4741.19 \(C\)](#) provides the duties of the RVT. [Rule 4741-1-14 OAC](#) regulates the practice of the animal aide.

If you still have a question, please submit it in writing to the Board staff to place on the Board's agenda for consideration at the board meeting. info@ovmlb.state.oh.us

Change of Employment Reminder

ORC 4741.171 requires a licensed veterinarian to notify the Board, in writing, of any change in the veterinarian's office or employment within ninety days after the change has taken place.

ORC 4741.19(C) requires a registered veterinary technician to notify the Board, in writing, of any change in the RVT's office address or employment within ninety days after the change has taken place.

Veterinary CE Tracking

The American Association of Veterinary State Boards (AAVSB) has implemented a free online service for recording continuing education for veterinarians and registered veterinary technicians. Veterinary Continuing Education Tracking (VCET) is a centralized repository for veterinary CE information. VCET is a free service and will offer online access for individual licensees to submit their CE course and transmit reports to Member Boards in a uniform format once a profile has been created by the licensee. Further information can be obtained on the AAVSB web site at www.aavsb.org/vcet

Veterinary Licenses expire March 1, 2016

All veterinary licenses (except limited licenses) expire on March 1, 2016. Which means, that according to the Veterinary Practice Act, anyone who is practicing on an expired license on March 2nd is in violation of the law. After March 1, 2016, a late fee of \$70.00 is charged in addition to the \$155 for the licensure renewal until April 1st. On April 2nd, the fee increases by \$295 to make the total cost \$425. Therefore, please provide any changes of address in writing to the Board office by email, fax or via mail ASAP to make sure that you receive your renewal information in a timely manner. Renewal cards with username and password will be mailed out the first week of January, 2016. You will be able to [obtain your username and password](#) on the Board's web site should you lose your card or do not receive it in the mail. There will also be a FAQ feature for common questions of the Board staff during renewal.

All renewals will be online except in limited circumstances. The veterinarian must request a paper application if they have no access to a computer and internet, or have disciplinary or criminal action. As a reminder, the name of the veterinarian must be on the check submitted if renewing by mail. This reminder is especially important for those veterinary entities that submit a "group" check for their veterinarians. Unfortunately, the current Continuing Education reporting section remains difficult until the new E-licensing system is in place. If you utilize VCET for your CE, just insert that information in the CE section and the Board will obtain your CE from AAVSB. It would be helpful to make sure the Board has a current email address for you.

When renewing online, remember to only hit the submit button once and DO NOT hit the "back" button. Every time that you hit the back button, your credit card is charged. If you accidentally get charged more than once, the Board tries to catch it and credit your account within 24-48 hours. However, if a double billing appears on your statement, let the Board staff know promptly and the Board staff will try to get it fixed.

Please note: The Board staff do not provide receipts for renewal fees paid. Your cancelled check or credit card invoice is your receipt, though an email should be received upon payment online via credit card.

Active Military personnel cannot renew online. Since the renewal fee is waived, active military personnel can renew by submitting a renewal form and CE via email, fax, or US postal mail. Email joseph.mcclain@ovmlb.state.oh.us for a renewal form if you are on active duty in the US Armed Forces, the Ohio National Guard or Military Reserve.

Veterinary Student Loan Program

The student loan program was developed to provide large animal veterinary services in veterinary resource shortage areas. \$10.00 of each veterinary license renewal fee is deposited in the loan repayment fund. In May, 2015, the Board awarded \$6,790 each to Dr. Sabrina Featheringill, DVM of Tiffin, Dr. Alissa Hunter, DVM of Milton Center, and Dr. Patricia Parrish, DVM of Hebron for a service commitment of one year. Applications for 2016 can be found on the Board's web site and are due by May 1st to the Board office.

Ohio Board of Pharmacy Q &A

Q: Does a veterinarian have to be on the premises when a client picks up a refill?

A: Yes. The veterinarian is “personally furnishing” a drug and therefore must be on the premises. See ORC 4729.291 <http://codes.ohio.gov/orc/4729.291>

Q: Who needs to hold a Terminal Distributor of Dangerous Drugs (TDDD) License?

A: Any veterinary facility that compounds drugs must hold a TDDD. The license is location specific and therefore only one TDDD license needs to be obtained for each veterinary facility. Review the Board of Pharmacy’s web site at pharmacy.ohio.gov and click on “Terminal Distributors” under the Licensing/CE tab. <http://pharmacy.ohio.gov/>

Q: How long can an expired drug stay in the locked cabinet?

A: Once the drug is expired it is adulterated and therefore should be immediately removed. There should be a procedure and plan in place to remove the expired drugs.

Q: Are vaccines dangerous drugs?

A: Most are. If the vaccine is labeled “by prescription only” then it is a dangerous drug. This is federally regulated.

Q: Who can count/have access to controlled substances?

A: Only the veterinarian and/or the registered veterinary technician should have access. The individual must have the authority to administer in order to have access. Review 3719.06 ORC for authority <http://codes.ohio.gov/orc/3719.06> and 3719.07 regarding recording <http://codes.ohio.gov/orc/3719.07>

Pharmacy Rule Changes:

4729-16-09: Reflects changes to Ohio law that requires prescriber practices that were previously exempted from licensure to obtain a terminal distributor of dangerous drugs license in order to possess, have custody or control of, and distribute dangerous drugs that are compounded or used for the purpose of compounding.

4729-16-12: A new rule that applies to compounded drugs intended for animal use by a licensed veterinarian. A veterinarian may personally furnish up to a 72 supply of a compounded drug to a patient when, in their professional judgment, failure to provide the drug would result in a potential harm to the patient.

4729-9-27: In accordance with federal law, prohibits a terminal distributor that possess controlled substances from the employment of an individual who has been convicted of a felony drug crime or administrative action by the United States DEA unless granted a waiver by the DEA.

4729-9-18: Requires all locations licensed with the Board of Pharmacy to maintain the license at that site.

News you will find on the Ohio Board of Pharmacy web site:

- ◆ Controlled Substance Inventory rule change effective 2015. <http://pharmacy.ohio.gov/Documents/Pubs/Special/GuidanceDocs/Controlled%20Substance%20Inventory%20Rule%20Change%20-%20Effective%20January%201,%202015%20-%2008.28.2014.pdf>
- ◆ Selected Points Regarding the Legal Practice of Pharmacy in Ohio: [http://pharmacy.ohio.gov/Documents/Pubs/Special/Legal%20Practice%20of%20Pharmacy%20Selected%20Points%20-%20\(June%202015\).pdf](http://pharmacy.ohio.gov/Documents/Pubs/Special/Legal%20Practice%20of%20Pharmacy%20Selected%20Points%20-%20(June%202015).pdf) While this document is specific to Pharmacists, it is a valuable resource as a reference for applicable law and rules for prescribers.

Consulting and Ohio Law

As telemedicine becomes more prevalent in the practice of veterinary medicine, the Board wants to remind you of Ohio’s law. ORC 4741.20 <http://codes.ohio.gov/orc/4741.20> provides an exemption to licensure if a veterinary consultant consults **with a licensed veterinarian**. The responsibility for the care and treatment of the patient remains with the Ohio licensed veterinarian who is the treating veterinarian. The Veterinary Medical Practice Act does not permit similar consultations directly with a client. Ohio requires a valid Veterinary-Client-Patient Relationship as defined in ORC 4741.04 <http://codes.ohio.gov/orc/4741.04> and **requires an examination** of the patient.